

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: January 2011

Agenda Item: Hazards to navigation and waterway marker requirements

Division: Enforcement

Action Needed: Approval of Proposed Rule

Time Needed on Agenda for this Presentation: 10 minutes

Background

Under Montana Code Annotated 23-2-501 is the policy of the state to promote boat safety on Montana waters. With this in mind Montana has seen an increase in people placing objects on state waters that may create a hazard to other recreational boaters. Specifically the placement of slalom courses in western Montana waters. Code Annotated 23-2-525 states “A person may not anchor a vessel or other obstacle for fishing or pleasure purposes on any body of water over which the state has jurisdiction in a position that obstructs a passageway ordinarily used by other vessels.” This statute is vague and leaves plenty of room for interpretation of what is a passageway. Other western states are seeing an increase for requests for putting up jumps/rails which would really create a safety hazard for recreational boating if people started placing these types of devices on state waters.

Public Involvement Process & Results

FWP has fielded calls about the legality of placing slalom courses on public waters and an email signed by individuals with concerns over the placement of a slalom course on a waterway in Region One.

Alternatives and Analysis

- Alternative 1: Completely restrict the placement of possible hazards on state waters. This alternative would completely eliminate any conflict that recreation boaters would have with people placing possible hazards on state waters with the exception of illegal placement of hazards. However, it would restrict the placement of possible hazards that are placed on state waters in a safe manner.
- Alternative Action 2: Allow placement with certain requirements and notifications.
- No Action: With a no action alternative Montana will see an increase in people putting out slalom courses and possibly other devices that will create conflicts between recreational boaters, fishermen and possibly land owners. These devices may also create hazards for recreational boaters and fishermen.

Agency Recommendation & Rationale

FWP recommends the following:

- Any possible hazard, except diver down flag, must be approved by FWP through a formal application process.
- All unattended objects will be visibly marked with one's name.
- Each permitted waterway hazard shall be marked with lights if placed overnight.

Proposed Motion

Move that the FWP Commission approves FWP's recommendations.